



STATEWIDE LAW ENFORCEMENT AUTHORITY

Directive 2 - 110

Date of Issue: July 2013 Amends/Cancels: N/A

I. PURPOSE

The purpose of this Directive is to regulate the exercise of jurisdictional police powers by officers of the Department of General Services Maryland Capitol Police (DGS-MCP).

II. POLICY

Sworn law enforcement members of DGS-MCP may exercise limited authority at locations where DGS-MCP does not have full law enforcement jurisdiction and only as permitted by law and in conformity to policies and procedures promulgated by DGS-MCP.

III. BACKGROUND

Maryland code, Article 27, Section 594B grants limited statewide jurisdiction to sworn law enforcement officers. This directive explains the circumstances under which police officers may conduct criminal investigations and make arrests outside of DGS-MCP jurisdiction.

IV. AUTHORITY OUTSIDE OF DGS – MCP JURISDICTION

Law enforcement officers of this department may make warrantless arrests and conduct criminal investigations anywhere in the State of Maryland, to the same extent as authorized within DGS-MCP jurisdiction the following conditions exists:

- A. When participating in a joint investigation with officials from other state, local or federal law enforcement agencies, at least one of which has local jurisdiction;
- B. While rendering assistance to another police officer;
- C. While acting at the request of a local or State Police officer; or
- D. When an emergency exists *and the police officer is acting in accordance with regulations adopted by the police officer's employing agency.*

E. Definition of Emergency

1. An emergency is defined as the sudden or unexpected happening or an unforeseen combination of circumstances that calls for immediate action to protect the health, safety, welfare, or property of a person from actual or threatened harm or from an unlawful act.
2. This Directive limits the definition of emergency to include only those situations which the officer's actions are in response to the following:
 - a. Felony in progress
 - b. Violent misdemeanor in progress
 - c. The officer has probable cause to believe that a felony has been committed or attempted.

V. PROHIBITIONS AND LIMITATIONS

A. Officers exercising the limited statewide authority will not:

1. Enforce Maryland Vehicle Law beyond the jurisdiction of DGS-MCP.
2. Serve arrest warrants outside the jurisdiction of DGS-MCP.
3. Use their personal vehicle or unauthorized equipment.
4. Exercise this authority while working within the scope of security related secondary employment.

B. Officers exercising the limited statewide authority:

1. Have their identification card and badge with them, and will be suitably armed.
2. Act in accordance with all DGS-MCP rules and regulations, including Special and General Orders.
3. Conduct themselves in a professional, responsible manner and make certain that the actions taken are legal and reasonable.
4. Act in conformance with the rules and regulations that govern the law enforcement agency of the foreign jurisdiction.
5. Be in full duty capacity, without restrictions or limitations. Officers assigned to light duty or limited duty status are prohibited from exercising police authority.

- C. Officers are reminded that any enforcement action taken outside the jurisdiction of the Department of General Services Maryland Capitol Police, not sanctioned by this Directive, may be considered to be those of an ordinary citizen. In such a case, the officer may not be entitled to “public official immunity” or “qualified immunity”. The officer may then have to assume responsibility for any actions taken or not taken.

VI. GUIDELINES AND NOTIFICATIONS

- A. Whenever a DGS-MCP Officer exercises limited statewide jurisdiction authorized by state law and this order, the following guidelines will be followed:
1. Whenever feasible and reasonable, officers should attempt to notify the local police of an incident requiring police response before taking enforcement action.
 2. Officers should assess the situation and determine the possible consequences of their actions, including but not limited to, injuries to the officer, suspect(s), or a third party. Careful consideration should also be given towards assuring sufficient probable cause exists to justify making the arrest.
 3. If practical, the officer should identify themselves to the suspect(s) and nearby citizens by displaying their badge and / or identification card and announcing to intention to affect an arrest. Officers should also identify themselves as soon as possible to the local police officers as they arrive on the scene.
 4. Officers will make all reasonable and necessary attempts to secure the prisoner in a manner that will provide for the safety and security of the arrestee.
- B. Whenever a DGS-MCP Officer exercises limited statewide jurisdiction and takes enforcement action or conducts an investigation, the following notifications will be made in a timely manner.
1. When an officer has made an arrest outside the jurisdiction of DGS-MCP, Maryland Law requires that the following notification be made:
 - a. In an incorporated municipality or a county that has a police department, to the Chief of Police or the Chief’s designee.
 - b. In Baltimore City, to the Police Commissioner or his designee.
 - c. When on any property owned, leased, operated by or under the control of the Department of Natural Resources, to the Secretary of Natural Resources, or his designee.
 - d. When the property is owned, leased operated by or under the control of the Maryland Department of Transportation or the Maryland Department of Transportation or by the Maryland Port of Authority or the Maryland Port Administration, to the respective Chief of Police or the chief’s designee.
 - e. To the nearest Maryland State Police Barrack Commander or designee.

2. Whenever an officer makes an arrest outside the jurisdiction of DGS-MCP, or makes an arrest while in off duty status, the officer will notify the on duty DGS-MCP Supervisor as soon as practical. The on duty supervisor will then be responsible for notifying the command staff, including the Chief of Police or his / her designee. In the event that the arresting officer is unable to make contact with the on duty Supervisor, the officer will then contact the appropriate Detachment Commander.

VII. AFTER- INCIDENT ACTIONS

Upon the arrival of officers with jurisdiction, relinquish the prisoner and / or crime scene, and cooperate with their requests. Be prepared to identify yourself to responding Police Officers and citizens in the vicinity, preferably by producing your badge and identification card.

Prisoner transportation, evidence collection, prisoner processing, and charging are the responsibility of the host agency's personnel. You may be asked to participate by submitting a police report, giving a statement, or filling out charging documents.

You must cooperate with the host agency in investigating and reporting the incident, and in charging any prisoners. You must appear when requested to testify in judicial proceedings related to the incident.